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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/650,611

08/27/2003

William Robert Haas

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06/13/2006

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EXAMINER

PEIKARI, BEHZAD

ART UNIT

PAPER NUMBER

2189

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/650,611		HAAS ET AL.	
	Examiner		Art Unit	
	B. James Peikari		2189	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 11-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 and 7 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 11-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-7 and 11-17 in the reply filed on March 23, 2006 is acknowledged. In that reply, claims 8-10 were cancelled.

Specification

2. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
3. The previous objection to the title of the invention is withdrawn due to the amendment filed on December 7, 2005.
4. The previous objection to the specification is withdrawn due to the amendment filed on December 7, 2005.

Claim Objections

5. The previous objections to claims 4 and 8-13 are withdrawn due to the amendment filed on December 7, 2005.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5 and 11-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sedimayr et al., U.S. 5,761,166.

The claims discuss a sequence of events, but do not discuss what intervals or other events may occur between those events. In other words, the unparking of a second memory (note that the head had to be unparked in order to write to the memory) could happen at any amount of time after the parking of a second memory, etc. Thus, the claims would have been taught by the normal course of operations for *any* RAID system that utilized head parking for the disk drives. Sedimayr et al. is cited as just one example of many such systems. Note the parking discussed at column 5, lines 40-58.

8. Claims 1-5 and 11-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Fiske, U.S. 6,078,471.

The claims discuss a sequence of events, but do not discuss what intervals or other events may occur between those events. In other words, the unparking of a second memory (note that the head had to be unparked in order to write to the memory) could happen at any amount of time after the parking of a second memory, etc. Thus,

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the claims would have been taught by the normal course of operations for *any* RAID system that utilized head parking for the disk drives. Fiske is cited as just one example of many such systems. Note the parking discussed at column 7, line 62, to column 8, line 8.

9. Claims 1-5 and 11-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ukani et al., U.S. 6,249,890.

The claims discuss a sequence of events, but do not discuss what intervals or other events may occur between those events. In other words, the unparking of a second memory (note that the head had to be unparked in order to write to the memory) could happen at any amount of time after the parking of a second memory, etc. Thus, the claims would have been taught by the normal course of operations for *any* RAID system that utilized head parking for the disk drives. Ukani et al. is cited as just one example of many such systems. Note the parking discussed at column 10, line 65, to column 11, line 33.

Allowable Subject Matter

10. Claims 6-7 are allowed.

Response to Amendment

11. The amendments and associated remarks filed on December 7, 2005 have been carefully considered, but are not believed to put claims 1-5 and 11-17 in condition for

allowance. The arguments contained within these remarks hinge on the assertion that the cited prior art does not teach the sequence of events as outlined in the claims. However, this assertion is not commensurate in scope with the claims. Only claims 6 and 7 require a particular sequence of the events, with each step being performed in response to the previous step.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Peikari whose telephone number is (571) 272-4185. The examiner is generally available between 7:00 am and 7:30 pm, EST, Monday through Wednesday, and between 5:30 am and 4:00 pm on Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Reginald Bragdon, can be reached at (571) 272-4204. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center at 866-217-9197 (toll-free).



B. James Peikari
Primary Examiner
Art Unit 2189
6/8/06